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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/920,947	08/29/97	ISUZAKI	Y 25484.00589

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MM71/1228

EXAMINER

DONELS, J

ART UNIT

PAPER NUMBER

2837

5

DATE MAILED:

12/28/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/920,947**

Applicant(s)  
**Isozaki et al.**

Examiner  
**Jeff Donels**

Group Art Unit  
**2837**



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-48 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1-7, 9-12, 16, 18-22, 24, 29-33, 35, 39-43, and 45 is/are allowed.

☒ Claim(s) 8, 13-15, 17, 23, 25-28, 34, 36-38, 44, and 46-48 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Objections***

Claims 15,28,38,48 are objected to because of the following informalities:

Claims 15,28,38,48 the word “musical” is misspelled.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 8,13-15,17,23,25-28,34,36-38,44,46-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8,16,23,34,44 fail to point out and distinctly claim Applicant’s invention, as there are no limits, either taught or recited, which define what is meant by the term “substantially.”

Correction is required.

Claims 13,25,36,46 fail to point out and distinctly claim Applicant’s invention, as there are no limits, either taught or recited, which define what is meant by the terms “relatively heavy” or “relatively light.” Correction is required.

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Claims 17,27,28,37,38,47,48 fail to point out and distinctly claim Applicant's invention, as there are no limits, either taught or recited, which define what is meant by the terms "relatively slow" or "relatively fast." Correction is required.

Claim 46 fails to point out and distinctly claim Applicant's invention, as there are no limits, either taught or recited, which define what is meant by the terms "fast" or "slow." Correction is required.

Claims 1-7,9-12,16,18-22,24,29-33,35,39-43,45 are allowed.

Claims 8,13-15,17,23,25-28,34,36-38,44,46-48 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamada et al., Matsubara et al., Nishimoto, Wachi et al., Shimizu, and Kurata are further cited to show related teachings in the art of electronic musical instruments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Donels whose telephone number is (703) 308-3115. The examiner can normally be reached on Monday - Thursday from 8:30 AM - 6:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Shoop, can be reached on (703) 308-3103. The fax number for this Technology Center is (703) 305-3431.


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Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-1782.

JWD  
December 21, 1998

  
**JEFF DONELS**  
**PATENT EXAMINER**  
**TECH CENTER 2800**